

AMENDMENTS TO THE DRAWINGS

The attached two "Replacement Sheets" (sheets 2/24 and 5/24) of drawings include changes to Figures 4 and 11, respectively. The attached "Replacement Sheets," which includes Figures 3-5 and 11, respectively, replace the original sheets (sheets 2/24 and 5/24) including Figures 3-5 and 11, respectively.

Attachment: Sheet 2/24, Figures 3-5
Sheet 5/24, Figure 11

REMARKS

Claims 85-103 and 105-109 are now pending in the application. Claims 85, 89-91 and 95 are amended herein. Claims 99-103 and 106 stand withdrawn. Claims 104 and 105 are cancelled herein. Claims 107-109 are added herein. Support for new claims 107-109 can be found at least in Paragraph [0072] and Figures 12-17 of the present application. No new matter is added. Paragraphs [0001], [0014], [0017], [0018], [0020], and [0055] are amended herein. Support for the amendments to these paragraphs can be found at least in the drawings. The second occurrence of Paragraph [0004] that appeared on page 9 of the originally filed application is changed to Paragraph [0051.1]. The Abstract is amended herein. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

ELECTION/RESTRICTION

Applicant hereby affirms that a provisional election without traverse was made to prosecute the claims corresponding to the invention of Group I, claims 85-98. Additionally, it is respectfully submitted that new claims 107-109 read upon the invention of Group I. Accordingly, Applicant respectfully requests examination of new claims 107-109.

INFORMATION DISCLOSURE STATEMENT

The four documents listed in the Office Action that were improperly identified due to a typographical error in the Information Disclosure Statement filed on April 15, 2004 should have been identified as:

2003/0010805	01/2003	Nelson et al.
2003/0012620	01/2003	O'Banion et al.
2002/0014516	02/2002	Nelson et al.
2002/0125297	09/2002	Stol et al.

The Examiner is thanked for her willingness to consider these references. It should be noted that the Examiner correctly located these documents and the documents appear on the Notice of References cited (PTO-892) accompanying the instant Office Action.

DRAWINGS

The drawings stand objected to for certain informalities. Figure 4 has been amended to include reference indicia 28, 30 and 40. Figure 11 has been amended to include reference indicia 50". Furthermore, the description of the drawings has been amended in the specification. The Examiner's approval to the drawing changes is requested. Applicant respectfully submits that with the changes shown in the attached revised drawings and the specification that the objection is now rendered moot and withdrawal of the instant rejection is requested.

SPECIFICATION

The specification stands objected to for a certain informality. Applicant has amended the specification and Abstract according to the Examiner's suggestion. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

CLAIM OBJECTIONS

Claims 85 and 89-91 are amended herein. It is believed that with the amendment to these claims, the objection to these claims is now rendered moot. Accordingly withdrawal of the instant objection is requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 85-91 and 93-98 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gisondi (U.S. Pat. No. 2,745,308). Claims 85-91 and 93-98 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lombard (U.S. Pat. No. 2,110,959). These rejections are respectfully traversed.

Referring to Claim 1, the claim calls for "a first end configured to pierce metal framing members on receiving a driving force . . . a single stem extending axially between the first and second ends relative to a longitudinal axis of the nail." It is respectfully submitted that neither the Gisondi nor Lombard references disclose this subject matter. Rather, the Gisondi reference discloses a sheet metal nail having two stems. Two stems are not the same as a single stem as called for. The Lombard reference discloses a fastener having a first end that is configured to be inserted through a preexisting aperture in the parts to be fastened together. The Lombard reference requires preexisting openings to be present. The Lombard reference does

not have a first end configured to pierce metal framing members as called for in the claim. Accordingly, for at least these reasons it is respectfully submitted that claim 85 is patentable over the Gisondi and Lombard references. Claims 86-98 all depend from 85 and, therefore, for at least these same reasons are also patentable over the prior art of record. Accordingly withdrawal of the instant rejection is requested.

In reference to Claim 95, the claim calls for “wherein said first end curves relative to said stem prior to penetrating said framing members.” In contrast, the Gisondi reference clearly shows that the first end is aligned with the stem prior to penetrating the object into which it is driven. See at least Figures 1-4 of the Gisondi reference. The Lombard reference also shows that the first end is aligned with the stem. Thus, neither the Gisondi nor Lombard references disclose the first end being curved relative to the stem prior to penetrating the framing members as called for. Thus, for at least this additional reason, it is respectfully submitted that claim 95 is patentable over the prior record and withdrawal of the instant rejection is requested.

NEW CLAIMS

New claims 107-109 are added herein. Claim 107 calls for “at least two teeth on each edge having a leading edge at a unique axial position relative to said second end.” It is respectfully submitted that this subject matter is not disclosed in the prior art of record. For example, the Gisondi reference discloses four sets of teeth on two side edges of two stems with each tooth on one stem having another tooth on the other stem at a same axial position relative to the second end thereof. Similarly, the Lombard references disclose that each tooth on the stem is axially aligned with another tooth on a stem relative to the second end of the fastener. Thus, neither the Gisondi nor

Lombard references disclose at least two teeth on each edge having a leading edge at a unique axial position relative to the second end as called for. For at least this reason, it is respectfully submitted that Claim 107 is patentable over the prior art of record. Claims 108 and 109 depend from Claim 107 and, therefore, for at least the same reason, are also patentable over the prior art of record. Accordingly, allowance of new claims 107-109 is requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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